

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51632-2024
Reserved on: 07.11.2024
Pronounced on: 12.11.2024

Gurjeet Singh @ Punjabi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Arvinder Arora, Advocate
for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
207	21.07.2020	Naraingarh, District Ambala	307/323/324/506/34 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439, 1973, seeking regular bail.
2. Per paragraph 18 of the bail application and the reply/custody certificate, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offences	Police Station
1	35	14.02.2018	148/149/307/323/324/427/452/506 /120-B IPC and 25 of Arms Act	Naraingarh, District Ambala
2	137	23.04.2017	323/506/34 IPC	Naraingarh, District Ambala
3	146	27.05.2020	148/149/323/427/506 IPC	Naraingarh, District Ambala
4	100	22.03.2019	148/149/323/324/326/506/120-B IPC	Naraingarh, District Ambala
5	463	16.09.2020	21 of NDPS Act	Mahesh Nagar, District Ambala

3. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.
4. The State's counsel opposes bail and refers to the status report.
5. The petitioner was earlier on bail; however, he failed to appear, which led to the cancellation of the bail vide order dated 17-08-2021 by the trial Court.

6. The petitioner was earlier granted bail, and as such, this court is inclined to grant bail subject to the strict condition that the petitioner shall not remain absent from the trial even on a single day and subject to compliance with the following conditions.
7. As per paragraph 6 of the bail petition, the petitioner has been in custody since 17.05.2024. Per the custody certificate dated 30.10.2024, the petitioner's total custody in this FIR is 07 months and 20 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.
8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.
9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:
- | | | |
|----|--|--|
| 1. | AADHAR number | |
| 2. | Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk. | |
| 3. | Mobile number (If available) | |
| 4. | E-Mail id (If available) | |
11. This order is subject to the petitioner's complying with the following terms.
12. The petitioner shall attend the trial without a single absence.
13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.
14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

12.11.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.